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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

United States of America
Plaintiff

V.

Cherron Marie Phillips
Defendant

Case No: 12 CR 872-1

Judge Michael J. Reagan

JURY INSTRUCTIONS - REFUSED

FILED

6-18-14 15
JUN 18 2014

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 14

In order for you to find the defendant guilty of retaliating against a federal official by false claim, the government must prove each of the following beyond a reasonable doubt:

1. The defendant filed a false lien or encumbrance in a public record;
2. The lien or encumbrance was filed against the property of an employee of the United States Government;
3. The lien or encumbrance was filed because of that employee's performance of his official duties; and
4. The defendant knew or had reason to know that such lien or encumbrance was false, or that it contained a materially false statement.

If you find from your consideration of all the evidence that the government has proved each of these elements beyond a reasonable doubt as to the charge you are considering, then you should find the defendant guilty of that charge.

If, on the other hand, you find from your consideration of all the evidence that the government has failed to prove any one or more of these elements beyond a reasonable doubt as to the charge you are considering, then you should find defendant not guilty of that charge.

ANNOTATIONS

18 U.S.C. sec. 1521. The elements listed here were included in an instruction in the case of *United States v. John Williamson*, No. 13-2023 (10th Cir. March 17, 2014)(Recommended for Publication).

Referred 06/18/14 USA

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 15

A lien or an encumbrance is a legal right or interest that a creditor has in another's property to secure payment of a debt or performance of an obligation.

A statement is "false" if it is untrue, or is made with reckless indifference for the truth.

ANNOTATION

A similar instruction was given in *United States v. Williamson*, No. 13-2023 (10th Cir. March 17, 2014)(Recommended for Publication).

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DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 21

Seventh Circuit Pattern Jury Instructions, Criminal

General Instruction No. 4.10

A person acts knowingly if she realizes what he is doing and is aware of the nature of his conduct, and does not act through ignorance, mistake, or accident. In deciding whether the defendant acted knowingly, you may consider all of the evidence, including what the defendant did or said.

You may find that the defendant acted knowingly if you find beyond a reasonable doubt that she had a strong suspicion that the liens were false, and that she deliberately avoided the truth. You may not find that the defendant acted knowingly if she was merely mistaken or careless in not discovering the truth, or if she failed to make an effort to discover the truth.

Refused